**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1164 OF 2007

Mr.Gautam Kisan Wadave ...Applicant.

**Versus**

The State of Maharashtra ...Respondent.

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Mr.A.R.Pitale, Adv. for the Applicant.

Mr.S.S.Pednekar, APP, for the State.

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**CORAM : SMT.V.K.TAHILRAMANI,J.**

**DATED : 16th April, 2007.**

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.I-28 of 2007 of Khed (Rajgurunagar) Police Station, District - Pune. The said case is mainly under Sections 420, 467, 468 of IPC.

3. It is the prosecution case that the agricultural land belongs to one Rajpathak family. The present applicant along with other accused persons prepared false and fabricated document

whereby the sale-deed for Rs.5 lacs was executed in the name of original accused No.2 Aniket Pandharinath Yelwande. The payment was made to original accused No.1 - Damodar Dhondiba Rakshe and the persons produced by him impersonated as Rajpathak's. The role attributed to the present applicant is that he has signed as witness on the said forged sale-deed.

4. Mr.Pitale submitted that the applicant was a witness on behalf of the purchaser and infact in this matter the purchaser had been cheated and the purchaser and the applicant ought not to have been made accused. He further submitted that in respect of mutation recorded on the basis of the sale-deed status-quo anterior to execution of the said sale deed was granted.

5. It is seen that the land in question is at Chakan. The applicant also lives at Chakan. Rakshe to whom the amount of Rs.5 lacs given also hails from the same place. In such case, it is difficult to believe that applicant did not know the persons representing as owners of the said land were not the real owners and were imposters.

The offence is serious in nature.

6. In my view, the material collected by the prosecution in the present case is such as to point out an accusing finger towards the present applicant. The Apex Court has observed in the decision of **Directorate of Enforcement Vs. P.V.Prabhakar Rao,** reported in **1997 SCC (Cri.) 978** that when the material gathered by the prosecution is such as to point out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail. Hence, application is rejected.

**(SMT.V.K.TAHILRAMANI,J.)**